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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,829	01/24/2001	Norbert Miller	00-1460	5180
30008 7590 02/15/2011 GUDRUN E. HUCKETT DRAUDT SCHUBERTSTR. 15A WUPPERTAL, 42289 GERMANY				
EXAMINER				
FISHER, MICHAEL J				
ART UNIT		PAPER NUMBER		
3689				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/769,829

Applicant(s)

MILLER ET AL.

Examiner

MICHAEL J. FISHER

Art Unit

3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SD-405)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the supraregional communications link" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-12, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,568,595 to Russell et al. (Russell) in view of US PAT 6,470,453 to Vilhuber.

As to claim 1, as best understood, Russell teaches a method of selling services and/or products using a communications link (Title), wherein the user 'carries out a specification by selecting a provider's product (inherent in that the patent is directed toward selling products over the internet), transmits an identification code (claim 1), the provider sends codes to a code verification system (claim 1, symbol reader), the system triggers a non-contact code verification (claim 1) which would compare the codes to find the proper one, and granting access to the user upon code verification (claim 1, last paragraph), Russell further teaches a "supraregional communications link" (as best understood) as the Internet is a "supraregional" communications network and is accessed via a "communications link" such as a modem, blue tooth or wi-fi "link".

Russell does not specifically mention a "mobile communication network" or where the codes are stored, however, it is very well known in the art to use wireless communications to access the Internet, such as so-called wi-fi hookups, and therefore, it would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Russell by using a wireless internet hook-up to ease connection to the Internet. Further, the preferred method of accessing the Internet is through a telephone service. It further would be obvious to have the communication device (whether phone or computer connected to the Internet via a cellular network) to save the data to ensure a record is saved in case of later disputes.

Vilhuber discloses that saving passwords on a user's computer is old and well known, as can be seen in the "Background of the Invention", col, 3, lines 1-7, therefore, it would have been obvious to do so as this would ease access and not require the user to memorize another password or write it down.

As to claims 2-4, as best understood, the various communications links are very well known in the art and therefore, it would have been obvious to one of ordinary skill in the art to use these links to ease connection to the system.

As to claim 5, as best understood, the code would be issued for a user for a limited time (as long as the user keeps an account current).

As to claim 6, as best understood, the user calls the system, thereby activating the link.

As to claim 7, as best understood, telephone networks are well known to use optical cable, thereby meeting the limitations as claimed.

As to claim 8, as best understood, the code would be released by selective activation (upon receipt of an order by a user.)

As to claim 9, as best understood, Russell would inherently have a central, processing system (web server).

As to claim 10, as best understood, the central system would inherently be equipped with a data telecommunications interface (modem, to connect to the Internet). As modems transfer data from a network to a computer and vice versa, it would inherently perform the functions claimed as they are carried out.

As to claim 11, as best understood, the method could be used for purchasing any items, such as reserved parking space, the information processed would be reservation information.

As to claim 12, as best understood, an accounting statement would be automatically generated (in that a bill would be generated).

Response to Arguments

Applicant's arguments filed 5/18/10 have been fully considered but they are not persuasive. As to arguments in relation to the amendments have been addressed in the rejection, it is old and well known, as can be seen in the Vilhuber reference, to save a password on a computer.

. Applicant argues that Russell teaches logging in before using the system, the examiner agrees, applicant further argues, "Russell does not disclose a step of directly transmitting the user-specific identification code...", the examiner disagrees. The step of logging onto the system is transmitting a user-specific code. The mobile phone is a mobile computer and is not claimed as a mobile phone, to meet the claims as currently amended, it would merely be a laptop with wi-fi connection. The "terminal" would be the "laptop", the type of computer would not render the invention patentably distinct as it is merely using a computer for one of its intended uses, i.e. using the Internet. Further, the method of entering a password would not render the instant invention patentably distinct as it is merely using a known process to enter a password.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. FISHER whose telephone number is (571)272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone

Art Unit: 3689

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MF
2/11/10

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689